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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,351	02/16/2007	Ray E. Drumright	63356A	1683
109 7590 09/14/2011 The Dow Chemical Company P.O. BOX 1967 2040 Dow Center Midland, MI 48641				
EXAMINER QIAN, YUN				
ART UNIT 1732		PAPER NUMBER		
NOTIFICATION DATE 09/14/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

FFUIMPC@dow.com

## **DETAILED ACTION**

### ***Election/Restrictions***

The applicant's amendment filed on July 11, 2011 is considered as non-responsive amendments. See MPEP 821.03 [R-3]: "Claims for Different Invention Added After an Office Action. Claims added by amendment following action by the examiner, MPEP § 818.01, §818.02(a), to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145. 37 CFR 1.145. Subsequent presentation of claims for different invention. If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in § 1.143 and 1.144."

The newly submitted amended claims 1, 6-7, 14-18 and 22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims presented are to a claimed catalyst. Newly submitted claims are to a method for producing a catalyst composition.

As discussed in the previous office action mailed on December 30, 2010, the instant application is obvious to the prior art of Schile et al. (US 2003/0187155) and therefore discloses the shared/corresponding technical feature such as polyol (claim 1).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, currently amended claims 1, 6-7, 14-18 and 22 are withdrawn from consideration. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUN QIAN whose telephone number is (571)270-5834. The examiner can normally be reached on Monday-Thursday, 10:00am -4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melvin Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YUN QIAN/  
Examiner, Art Unit 1732

September 9, 2011

/Melvin Curtis Mayes/  
Supervisory Patent Examiner, Art Unit 1732